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SC Court of Appeals

No 23-1176

And

No. 23 - 6591

(linked to 23A888)

IN THE
SUPREME COURT OF THE UNITED STATES

Tracie L. Green — PETITIONER

vs.

US Bank National et al — RESPONDENT(S)

ON WRITS OF CERTIORARI

TO US District Court of South Carolina (No. 23-1176)

AND

TO US Court of Appeals for the Fourth Circuit (No. 23-6591)

**EMERGENCY MOTION WITH RELIEF REQUESTED BY DECEMBER 17, 2024:
MOTION TO VACATE THE JUDGEMENTS OF THE US DISTRICT COURT OF
SOUTH CAROLINA, US COURT OF APPEALS FOR THE FOURTH CIRCUIT; AND
THE SUPREME COURT OF THE UNITED STATES AND REMAND; AND HOLD ALL
FURTHER ACTION IN ABEYANCE PENDING DISPOSITION OF THIS MOTION
[WITH APPENDIX]**

DECEMBER 2, 2024

TRACIE MITCHEM-GREEN

ProSe Petitioner

PO Box 521, 1585 Central Park Avenue, Yonkers, NY 10710

drgreen@myyahoo.com

803-361-0602

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Pursuant to this Court’s Rule 21.2(b) and Federal Rule of Civil Procedure 60(b), this Petitioner respectfully moves that the Court vacate the judgments of the district court, the court of appeals; this court and remand to this most superior judicial body—before a full member Court; and hold all further action in abeyance pending the Court’s disposition of this motion. These actions are requested by December 17, 2024 due to Respondent issuing a Notice of Acquisition within 60 to 90 days.

These cases concern actions by Tracie L Green (hereafter “Petitioner”) to transfer to federal jurisdiction the contested foreclosure summons and complaint initiated by US Bank National Association (hereafter “Respondent”) on March 4, 2022. With at least two motions from this Petitioner still pending before this court—Motion to Stay Return to South Carolina, with transfer of State Level Proceeding to Federal Jurisdiction for the Petitioner; and Notice of Removal—since March 26, 2024, and June 24, 2024, respectively, this current motion is complementary. Responses to all outstanding motions are respectfully requested.

Respondent has repeatedly exhibited non-compliance with court rules, including violating Rule 26 (a)(1)(a)(ii) “...a party must...provide to the other parties a copy...of all documents...that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses...” Moreover, Lexington County Courthouse November 14, 2024 Judgment Order verifies that Respondent federal responses were made and provided to the appeals court as well as this Court.

I find that since the inception of this action, Respondent...attorney Firm has been responsible for the preparation of ... pleadings in federal court where the Defendant sought to move the state court foreclosure case to federal court, including appeals to the Fourth Circuit Court of Appeals and the Supreme Court of the United States of America. However, either Respondent’s federal responses were not timely received or never received by this Petitioner, which is a violation of the rules of civil procedure.

1. On February 10, 2023, this Petitioner submitted a Notice of Appeal to the District Court of South Carolina. Between February 14-15, 2023, the district court submitted appeal documents to US Court of Appeals for the Fourth Circuit; these documents were resubmitted by this Petitioner as per said Court’s request. On April 10, 2023, this Petitioner notified US Court of Appeals for the Fourth Circuit that a reply to the Informal Brief was not received from Respondent. The courts’ response letter confirmed that as of

April 14, 2023 Respondent reply had not been received. Since court rules require a response within 14 days, the Respondents reply was due March 1, 2024 at the latest, making the Respondents alleged March 13, 2023 submission untimely. In addition, Respondent did not mail this Petitioner a copy of the reply until April 17, 2023, which is a violation of the rules of civil procedure. Although the purpose for the appeals court request for this Petitioner to resubmit the Informal Brief remains unclear, however, the second copy was mailed on March 26, 2023. Despite this Petitioner June 3, 2023 notification to the appeals court that criminal derailment activities were underway, the Appeals Court for the Fourth Circuit dismissed the case because the court lacked jurisdiction. Again, because the Appeals Court for the Fourth Circuit court lacked jurisdiction, the case was dismissed—on October 2, 2023—on the same day as this Court denied case 23-1176 being filed under seal—never addressing the derailment notification. According to federal rules, a court cannot involve itself in a case it has no jurisdiction over; thus the Fourth Circuit violated federal law.

2. Simultaneously, on October 2, 2023, this Court denied the Writ of Certiorari to the US District Court of South Carolina being filed under seal (filed on July 23, 2023, case 23-1176). The pleading was timely resubmitted on multiple occasions, with sealing ultimately removed (last submission dated December 13, 2023); however, the clerk of court at the Supreme Court of the United States declined further processing and never filed or docketed to resubmitted pleading. This is a violation of court rules.
3. With the same federal clerk of court returning this Petitioner’s Motion to Remove Court Official mailed on January 22, 2024, the clerk then assigned a different case number, now 23-6591, to the final revision of the Writ of Certiorari to the US Court of Appeals for the

Fourth Circuit. This pleading was submitted on December 26, 2023, received by this court on December 28, 2023, but not filed until January 26, 2024, which is a violation of court rules. [It is of importance to note that a copy of this same motion was submitted on January 17, 2024 7:09am to Lexington County clerk of court, but not filed until February 12, 2024]. All said occurrences are unlawful and violates standard procedural rules as well as federal law. An investigation is required.

4. In the submitted February 22, 2024 Supplemental Brief with Appendix, this Petitioner discussed that despite multiple copies of this Courts Waiver Form being provided and/or attempted to be provided to Respondent, Respondent never provided a reply nor were any associated documents ever provided to this Petitioner. Despite Respondent's non-compliance to court order, this Petitioner submitted a Reply to Brief in Opposition to this Court nevertheless.

Records do not appear to indicate if Respondant ever filed a pleading with the District Court of South Carolina.

Judicial Compromise and Criminal Activity

The institution of the judicial system in the United States of America remains intact and honorable, and should be revered; however, there is clear evidence of judicial compromise and criminal activity with cases 23-1176 and 23-6591, in which this court is well able to acknowledge and resolve:

1. There is no record known to this Petitioner of the US District Court of South Carolina ever reporting the targeting experiences and judicial comprise events reported by this Petitioner. Investigation is required.

2. Although the Court of Appeals for the Fourth Circuit indicated the US Marshalls was notified of the suspected mail tampering, this Petitioner was never interviewed by the said law enforcement agency regarding the occurrence. In addition, the said court never addressed the discrepancy regarding the alleged untimely [twelve (12) day deficient] submission of the Respondents reply brief, the said Courts admission that the reply brief had not been received, nor why the said court requested this Petitioner to submit the Informal Brief again, after having received it and it also apparently being available in Public Access to Court Electronic Records (PACER). These occurrences display the criminal activity the said court was warned about by this Petitioner. Investigation is needed to determine which personnel violated judicial procedure and federal law(s).

In his November 14, 2024 Judgement Order, Judge James Spence confirmed Respondent submitted reply pleadings to the federal courts, including the Supreme Court of the United States. How is this possible, with this Petitioner not receiving the same documents, particularly to this highest superior Court? Investigation is required.

In a November 6, 2024 941am electronic admission, Respondent reassured the Lexington County Courthouse that there was not a Racketeer Influenced and Corrupt Organizations (RICO) case as reported by this Petitioner. However, this Petitioner's conversation with the US Court of Appeals for the Second Circuit on October 25, 2024 proved otherwise by verifying jurisdiction of the said court. The reason for the extreme delay in processing of the RICO case remains unclear; investigation is needed. How could the Respondent reassure Lexington County Courthouse regarding the validity of the RICO case without unlawful inside knowledge? Investigation is required.

In addition, while awaiting this Courts decision on the Notice of Removal, and Motion to

Stay Return to South Carolina, with transfer of State Level Proceeding to Federal Jurisdiction for the Petitioner, Lexington County Courthouse ruled for the Respondant, initiating foreclosure on this Petitioners home. However, three egregious errors—guardian ad litem, attorney appointment, and attendance to motion hearing— were noted with Lexington County Court citing this Petitioners lack of attendance to the motion hearing directly impacting the decision making process. This error by the said Court is refuted in this Petitioner’s June 21, 2024 submitted document where she details a conversation with Judge James Spence in which he denied this Petitioner access to the Motion Hearing, despite receiving notice of the restraining order filed against him. Moreover, the state-level Summary Judgement Motion Hearing was occurring simultaneously to federal proceedings in this court, the Supreme Court of the United States; such activity is unlawful and a violation of standard procedure.

In response to the egregious errors within the Judgement Order, this Petitioner issued a Notice to Cease and Desist/Motion to Reconsider on December 18, 2024. Neither the Supreme Court of South Carolina, The Office of Disciplinary Counsel, The Office of Judicial Conduct, The Commission on Lawyer conduct, and nor the Lexington County Courthouse have provided a response as of the date of this filing. This is further evidence of repetitive racketerring activity involving multiple persons including but not limited to the Respondent, Lexington County Clerks of Court, and Judge James Spence. A federal investigation is required to determine if the reason the state court refuses to correct the egregious errors is inclusive of the following;

1. To assist in Lexington County further covering the unlawful withholding of child support payments as detailed in the March 26, 2024 Motion still pending before this court? Also, is this the reason Lexington County has refused to transfer this Petitioner’s child support case to New York State, despite multiple requests? Now having cancelled the child

support order as of November 15, 2024, just one day after the Judgement Order in the state foreclosure case was issued.

2. To cover the individual(s) at this federal court responsible for appointing this Petitioner a defunct attorney's office without this Petitioner's permission, causing further financial and emotional harm?

The criminal activity occurring at the state-level has been disclosed to all said courts; a response is still pending. In 2022, this Petitioner received a Notice of Home Acquisition from Respondent, dated July 28, 2022, via certified delivery with United States Postal Service without the said document being notified with Lexington County Courthouse. On August 24, 2022, this Petitioner mailed a 95-page response detailing the criminal activity occurring, including the unlawful home acquisition. According to the postal service, the document was received by the Court on August 25, 2022 1021am, but the document was not filed until September 1, 2022 801am. Filed on the same day, however, was the Respondent's Affidavit of Attorney Fees, Number 4 Section A "*Nature, Extent, and Difficulty of Legal Services Rendered*", Respondent admits to attending a hearing held by the Master, that this Petitioner was not notified to attend. Investigation is required to determine if Respondent, the Lexington County Clerks of Court, and Judge James Spence were attempting to conceal the criminal attempt to steal this Petitioner's home without due process.

Although this information was provided to multiple courts as well as the same case documents being available through the PACER service, the criminal activity has yet to be discussed by any said court—which is evidentiary of judicial compromise. Moreover, this evidence appears to show multiple individuals at state and federal level confederate in participation to violate standard judicial procedure while committing criminal offenses including

but not limited to mortgage fraud and mail fraud all of which are federal offenses. Investigation is required.

This Petitioner respectfully submits that the appropriate course of action for the Court in such compromising circumstances is to vacate the judgments of all lower courts and this Court and remand. Both cases, 23-1176 and 23-6591, should be remanded to this Court, the Supreme Court of the United States, with instructions to hold all further action in abeyance pending this Court's disposition of this motion (including Lexington County Courthouse current foreclosure proceeding).

The integrity of these cases is negligible outside of this court. The gravity of these cases is too substantial to be decided in lower courts. Furthermore, this court is the final jurisdictional court capable of intervening and vacating the beforementioned judgements.

Due to the foregoing reasons, this Court should grant this Petitioner's motion to vacate the judgments of all lower courts; and this court, remanding both cases to this most superior judicial body—before a full member Court; and hold all further action in abeyance pending the Court's disposition of this and all remaining motions. These actions are requested by December 17, 2024 due to Respondent issuing a Notice of Acquisition within 60 to 90 days pursuant to the November 14, 2024 Judgement Order by Lexington County Courthouse granting foreclosure.

Respectfully submitted,

December 2, 2024


Tracie Mitchem-Green
ProSe Petitioner

P.O. Box 521, 1585 Central Park Ave, Yonkers, NY 10710
(803) 361-0602; Email: drgreen@myyahoo.com